

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
(Indianapolis Division)**

RED BARN MOTORS, INC.,	*	DOCKET NO. 1:14-cv-01589-TWP-DKL
PLATINUM MOTORS, INC.,	*	
MATTINGLY AUTO SALES, INC.,	*	
YOUNG EXECUTIVE MANAGEMENT *		
& CONSULTING SERVICES, INC.,	*	
Individually, and on behalf of other	*	
members of the general public	*	
similarly situated,	*	
	*	
v.	*	
	*	
COX ENTERPRISES, INC.,	*	
COX AUTOMOTIVE, INC.,	*	
NEXTGEAR CAPITAL, INC.,	*	
F/K/A DEALER SERVICES	*	
CORPORATION, successor by merger	*	
with Manheim Automotive Financial	*	
Services, Inc., and JOHN WICK.	*	
	*	

**ORDER ON PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

Considering the foregoing *Motion for Class Certification and Appointment of Class Counsel* and the *Amended Motion for Appointment of Class Counsel* (the “Motions”) filed by the Plaintiffs, Red Barn Motors, Inc., Platinum Motors, Inc., and Mattingly Auto Sales, Inc., Individually and on behalf of other members of the general public similarly situated, the pleadings, the exhibits thereto, the facts, and the law, having found that as to the remaining claims of breach of contract, constructive fraud and violation of RICO, Plaintiffs have satisfied the requirements of Rule 23(a) including numerosity, typicality, commonality, and adequacy of representation; Rule 23(b)(1)(A) because “prosecuting separate actions by ... individual class members would create a risk of inconsistent or varying adjudications with respect to individual class members that would establish incompatible standards of conduct for the party opposing the class” and Rule 23(b)(3)

because questions of law or fact common to the members of the proposed class predominate over questions affecting only individual class members and a class action is superior to other available methods of resolving the controversy.

**IT IS ORDERED THAT** the Motions be and hereby are **GRANTED**.

**IT IS FURTHER ORDERED THAT** the Class consists of all used car dealers in the United States of America that were parties to a Floorplan Agreement with DSC, n/k/a NextGear, effective during the time period of January 2005 through July 2013.

**IT IS FURTHER ORDERED THAT** the named Plaintiffs, Red Barn Motors, Inc., Platinum Motors, Inc., and Mattingly Auto Sales, Inc., are appointed as Class Representatives.

**IT IS FURTHER ORDERED THAT**, pursuant to Federal Rule of Civil Procedure 23(g), the following counsel for the named Plaintiffs are appointed as Class Counsel to act on behalf of the Class: Gladstone N. Jones and Lynn E. Swanson with the firm Jones, Swanson, Huddell & Garrison, L.L.C.; Kerry A. Murphy with the firm Lasky Murphy LLC; James M. Garner and Matthew M. Coman of the firm Sher Garner Cahill Richter Klein & Hilbert, L.L.C.; Cassie E. Felder of The Cassie Felder Law Firm; and Kathleen A. DeLaney with the firm DeLaney & DeLaney LLC.

DATE: \_\_\_\_\_

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THE HON. TANYA WALTON PRATT  
District Judge  
United States District Court  
Southern District of Indiana